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ALEX CAINE and the CITY OF SAN PABLO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTIAN J. BRACKO,

Plaintiff,

vs.

ALEX CAINE; CITY OF SAN PABLO;  
and DOES 1-10, inclusive,

Defendants.

Case No. C08-00239 JL

~~XXXXXXXX~~ **[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S STATE LAW CAUSES OF  
ACTION**

Date: July 2, 2008

Time: 9:30 a.m.

Dept.: Courtroom F, 15<sup>th</sup> Floor

Judge: Hon. James Larson

On July 2, 2008, at 9:30 a.m., Defendants ALEX CAINE and the CITY OF SAN PABLO'S (collectively "Defendants") motion to dismiss all of Plaintiff's state law claims came on regularly for hearing. After full consideration of the briefing, the arguments of Plaintiff's and defense counsel, and the pleadings on file on this case, the Court hereby GRANTS Defendants' motion in its entirety.

Defendants Alex Caine and the City of San Pablo moved for dismissal of all of Plaintiff's state law claims in Plaintiff's Second Amended Complaint in this action pursuant to Federal Rule of Civil Procedure 12(b)(6).

Defendants are entitled to dismissal of all state law claims in Plaintiff's Second Amended Complaint, including the 2<sup>nd</sup> through 10<sup>th</sup> causes of action, because Plaintiff failed to state claims under California law upon which relief may be granted, inasmuch as Plaintiff's state law claims

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1 are barred as untimely under the California Government Tort Claims Act, specifically California  
2 Government Code § 911.2.

3 Accordingly, Defendants' motion is GRANTED and all of Plaintiff's state law claims for  
4 the 2<sup>nd</sup> through 10<sup>th</sup> causes of action are DISMISSED, with prejudice.

5 IT IS SO ORDERED.

6 Dated: July 21, 2008

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8 HON. JAMES LARSON  
9 United States Magistrate Judge  
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